

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HELEN E. SHEETS, Personal Representative
for the ESTATE OF KYLE SHEETS,
deceased; and HELEN & THOMAS
SHEETS, wife and husband, Individually,
and the marital community thereof; and
JONATHAN SHEETS, a single man; and
HELEN SHEETS, as GUARDIAN for E.S., a
minor child,

Plaintiff,

vs.

THE OFFICE OF THE PIERCE COUNTY
SHERIFF; and PIERCE COUNTY, a
municipal corporation; and DEPUTY
RONALD SCHAUB and JANE DOE
SCHAUB, individually, and the marital
community thereof, and DEPUTY DAREN
WITT and JANE DOE WITT, individually,
and the marital community thereof,,

Defendant.

NO. C04-5409RBL

STIPULATION OF DISMISSAL AND
REMAND TO STATE COURT

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The parties hereby stipulate, pursuant to FRCP 41(a)(1), that the federal claims filed herein can be dismissed with prejudice, and that the remaining state law claims may be remanded to state court pursuant to 28 U.S.C. § 1447(c), with all parties to bear their own costs and fees. The parties further stipulate to conduct a mediation with respect to the state law claims within 60-90 days and in the absence of resolution by mediation, that the plaintiff may amend his complaint to allege statutory wrongful death in addition to their claims for survival. This stipulation shall be procedural only and the defendant at any time thereafter may seek dismissal of or opposition to such claims, or plaintiffs' non-entitlement, or any substantive basis applicable thereto.

RESPECTFULLY SUBMITTED this 14th day of October, 2005.

/s/
 RONALD L. WILLIAMS
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/s/
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ORDER

THIS MATTER having come on before the Court upon the stipulation of the parties, and the Court having reviewed the papers and files herein, now, therefore, it is hereby

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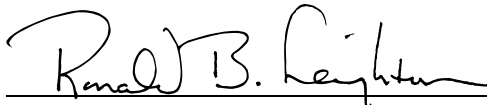
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ORDERED that the federal claims alleged in the above-entitled action be and are hereby dismissed with prejudice and without costs to any party, and that the remaining state law claims are hereby remanded to state court with all parties to bear their own costs and fees.

DONE IN OPEN COURT this 17th day of October, 2005.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

Approved as to Form:

/s/ _____
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